

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF

**ARIENNE JONES, DERICK JONES,
HERSCHEL WILLIAMS, and
TANSHENETTA VEALS,**

PLAINTIFF-INTERVENORS

v.

CIVIL ACTION NO.: 3:20-cv-00729-CWR-LGI

**SSM PROPERTIES, LLC, STEPHEN MAULDING, SR.,
JAMES ROE, and SHEILA MAULDING,**

DEFENDANTS

**DECLARATION OF MAX LAPERTOSA
IN SUPPORT OF UNITED STATES' MOTION FOR ORDER TO SHOW CAUSE
AS TO WHY DEFENDANT JAMES ROE SHOULD NOT BE HELD IN CONTEMPT**

I, Max Lapertosa, declare as follows:

1. I am employed as a Trial Attorney with the United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section. My business address is 150 M Street N.E., Room 8-132, Washington, DC 20002. In this capacity, I represent the United States of America ("United States") in the above-captioned action. The following facts are based upon my personal knowledge, information, and belief.

2. On September 13, 2022, I appeared in person at a settlement conference in this case before Magistrate Judge LaKeysha Greer Isaac. Defendant James Roe ("Roe") also appeared in person at this conference, along with the other parties and counsel of record. At this conference, Roe agreed, among other things, to pay the United States a civil penalty of \$3,000 in \$500 installments every 90 days to resolve the United States' claims against Roe.

3. On October 7, 2022, I caused to be sent to Roe via Fed Ex a copy of the proposed Consent Decree for his signature, which contained the same civil penalty payment schedule as the term sheet Roe signed at the settlement conference. A true and correct copy of my cover

letter to Roe is attached as Exhibit A.

4. On October 11, 2022, I called and emailed Roe to remind him to sign and return the Consent Decree to me for filing. Roe responded that he had mailed the Decree back to me. A true and correct copy of this email exchange is attached as Exhibit B. I received Roe's signed copy of the Consent Decree on or about October 12, 2022.

5. On October 12, 2022, Roe consented, via email, to the filing of the parties' joint motion to enter the Consent Decree. A true and correct copy of this email exchange is attached as Exhibit C.

6. On November 21, 2022, I caused to be mailed via Fed Ex a letter to Roe reminding him of his deadlines for civil penalties payments under the Consent Decree. As required by the Consent Decree, I enclosed written instructions on how to make the civil penalty payments directly to the United States Treasury by electronic funds transfer. A true and correct copy of this letter is attached as Exhibit D.

7. On January 30, 2023, I sent an email to Roe reminding him that his first \$500 payment was due that day. I attached to this email our November 21, 2022, letter to Roe setting forth the payment schedule and attaching the electronic payment instructions. A true and correct copy of this email is attached as Exhibit E.

8. Roe did not make, and has not made, the first \$500 payment on January 30, 2023, as required by the Consent Decree.

9. On February 4, 2023, Roe responded to my email as follows: "I'd started to work at Lowe's. When this came out across the news they let me go. I'm supposed to start another job next week." A true and correct copy of this email is attached as Exhibit F.

10. On February 7, 2023, I sent by email, and caused to be sent by Fed Ex, a letter to

Roe requesting that he provide us a date on which he would be able to make the first payment.

The letter further reminded Roe that his second payment was due April 30, 2023. A true and correct copy of this letter is attached as Exhibit G. We did not receive any response from Roe to this letter.

11. On March 10, 2023, I sent an email to Roe informing him that he had not made his first \$500 payment under the Consent Decree and asked that he make at least a partial payment by no later than March 17, 2023. A true and correct copy of this email is attached as Exhibit H. We received no response to this email, nor did Roe make any payment towards satisfaction of his obligations under the Consent Decree following this email.

12. On March 28, 2023, the Financial Litigation Program of the United States Attorney's Office for the Southern District of Mississippi sent a letter via Fed Ex notifying Roe that he was in default by over 90 days on his civil penalty payments under the Consent Decree. A true and correct copy of this letter is attached as Exhibit I.

13. Roe did not make, and has not made, the second \$500 payment on April 30, 2023, as required by the Consent Decree.

14. On May 11, 2023, prior to filing the United States' Motion, I attempted to call Roe at the telephone number he listed in his pleadings in this case. I have reached Roe in the past using this telephone number. I received an automated message stating that the person I had dialed was not able to receive messages at this time.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 15th day of May 2023, at Washington, D.C.

s/ Max Lapertosa
MAX LAPERTOSA

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record and I hereby certify that I have caused to be mailed by email and Fed Ex the document to the following defendant at the address listed below:

James Roe
1255 East County Line Road, Apt. D-3
Jackson, MS 39211
jrio6807@gmail.com

s/ Max Lapertosa